

### **Listing of Claims**

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**Claims 3-4 (canceled)**

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**Claims 21-22 (canceled)**

**Claims 23-27 (new)**

### Text of Claims

Claim 1. (currently amended): A method for creation of a personalized playlist of programming, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein:

a user selects a base channel that includes a playlist of content that may be played on a user device, the playlist of the base channel being immediately unchangeable by a user and identical for a plurality of users;

alternate sources of content offer substitute items; ~~that are continuously available for use; as substitutions for items of the playlist of the base channel as the base channel plays; at least one substitute item being used in the personalized playlist;~~

~~the user reacts to items of the base channel, whereby a side channel distinct from the base channel is created; that reflects a user preference the user preference defined at least in part by a user's reactions to items that have played on either of the base channel or the side channel, the side channel including the personalized playlist and being assembled substantially from items of the base channel and alternate sources;~~

a customizer operates with the user device to determine in near real time which substitute items are available for use ~~included in the personalized playlist, the customizer using the availability of the substitute items being determined by~~ at least two criteria ~~to define a sequence of items to play in the personalized~~

~~playlist, a first criterion criteria-comprising the user preference a style of the~~  
~~playlist of the base channel, and a second criterion criteria-comprising the time~~  
availability of substitute items provided by the alternate sources near the  
moment the customizer determines that a substitute item should be included in  
the sequence of items played;

a first ~~suitable~~ substitute item from a first alternate source being buffered  
in a memory ~~facility~~ resource linked to the user device ~~before the first suitable~~  
~~item is needed for use in the side channel~~, the first suitable substitute item being  
unidentified to the user unless it is played on the user device;

the base channel ~~and the alternate source of content are~~ is a streaming  
broadcast sources that are is available to a plurality of users of a data system;

~~an undesired item is streamed by a provider of programming on either of~~  
~~the base channel or the side channel~~, the undesired item is identified by the  
customizer as not meeting the first criteria, and the first suitable item plays on  
the side channel from a beginning of the first suitable item as a substitute for the  
undesired item;

~~the user device is configured whereby the listener may immediately select~~  
~~either one of the base channel and the side channel:~~

the user being able to send a signal to delete an undesired item playing  
on the base channel;

upon receipt of the signal the customizer automatically plays the  
substitute item and creates a side channel, the side channel includes the playlist

of the base channel, wherein the undesired item is absent from the playlist and a substitute item is played instead.

Claim 2. (currently amended) The playlist creation method of claim 1 wherein the first substitute item is streamed by a first alternate source and a second suitable substitute item is streamed from a second alternate source at a beginning later than a beginning of the first suitable substitute item streamed by the first alternate source, and the second suitable substitute item begins at the second alternate source before it is needed for play on the side channel, the second suitable substitute item being a better fit to the first criteria second criterion than the first suitable substitute item, the first suitable substitute item being removed from the memory facility resource in favor of the second suitable substitute item.

Claims 3 - 4. (canceled)

Claim 5. (currently amended) The playlist creation method of claim 1 wherein an alternate source comprises a hidden channel playlist, a playlist of the hidden playlist is in the style of the base channel, is initially unchangeable and identical for a plurality of users, the hidden channel is not available for use as a base channel and the hidden channel serves a primary function to provide of providing

~~substitute items of content for modification of the base channel. as components for use in assembling personalized playlists.~~

Claim 6 (currently amended) The playlist creation method of claim 1 wherein the programming is audio programming, the ~~deleted~~ ~~undesired~~ items of content are audio commercial announcements, and the substitute items are used to replace the audio commercials.

Claim 7. (original) The playlist creation method of claim 1 wherein a provider of the base channel is identified on a display screen of the user device.

Claim 8. (canceled)

Claim 9. (currently amended) A method for creation of a personalized playlist of programming played on a user device with a memory resource, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein:

a user selects a base channel from a ~~streaming~~-broadcast source that includes a playlist of content that may be played on the user device, the playlist of the base channel being immediately unchangeable and identical for a plurality of users;

~~alternate sources of content offer items that are continuously available for use as substitutions for items of the playlist of the base channel as the base channel plays at least one substitute item being used in the personalized playlist;~~

~~the user reacts to deletes items of content from the playlist of the base channel, whereby the deleted items comprise a negative user preference and a side channel distinct derived from the base channel is created on the user device that reflects a the negative user preference. the user preference defined at least in part by a user's reactions to items that have played on either of the base channel or the side channel, the side channel including the personalized playlist and being assembled substantially from items of the base channel and the alternate sources;~~

~~a customizer operates with the user device to determine in near real time which substitute items are included in the personalized playlist, the customizer using at least two criteria to define a sequence of items to play in the personalized playlist, a first criteria comprising the user preference, and a second criteria comprising a time availability of items streamed by the alternate sources near the moment the customizer determines that a substitute item should be included in the sequence of items played;~~

~~a suitable item from an alternate source being buffered in a memory facility linked to the user device before the suitable item is needed for use in the side channel, the suitable item being unidentified to the user unless it is played on the user device;~~

~~the user reacts negatively to an undesired item of content, and the  
suitable item plays on the side channel from a beginning of the suitable item  
immediately after an occurrence of the user's negative reaction;  
the user device configured whereby the listener may immediately select  
either one of the base channel and the side channel.~~

Claim 10. (currently amended) The playlist creation method of claim 9 further  
incorporating a hidden playlist comprised of a playlist of items in the style of the  
base channel, the playlist of the hidden playlist being immediately unchangeable  
and identical for a plurality of users, the hidden playlist being unavailable for use  
as a base channel wherein:

Undeleted items played on the base channel are played on the side  
channel in the same sequence and deleted items have been substituted on the  
side channel with items from the hidden playlist.

~~an alternate source comprises a hidden channel, the hidden channel is not  
available for use as a base channel, and the hidden channel serves a primary  
function to provide items of content as components for use in assembling  
personalized playlists.~~

Claims 11 - 12. (canceled)

Claim 13. (currently amended) The playlist creation method of claim 9 wherein the ~~negative~~ user preference ~~further~~ comprises a set of instructions that is stored on a device of the user, the instructions being used to guide the a customizer in an initial selection of ~~substitute~~ items for the user.

Claim 14. (currently amended) A method for creation of a personalized playlist of programming, the playlist comprising sequentially played items of content played on a user device wherein:

a user selects a streaming broadcast ~~top base~~ channel that includes a playlist of content that may be played on a ~~the~~ user device, the ~~top base~~ channel being provided by a ~~station source~~ that is operated independently of the user, the playlist of the ~~top base~~ channel being immediately unchangeable and identical for a plurality of users;

an alternate streaming broadcast source of content is available from which substitute items may be obtained to modify the playlist of the ~~top base~~ channel, ~~the substitute items being used in the personalized playlist;~~

~~the personalized playlist comprises a combination of items from the top channel with the substitute items;~~ a customizer ~~operating~~ operates with the user device to determine in near real time which substitute items are ~~included in the~~ personalized playlist available for use subject to at least two criteria, a first criterion comprising a style of the playlist of the base channel and a second criterion comprising a time availability of substitute items



a beginning point of a substitute item of the alternate source is stored in a computer memory facility resource immediately accessible by the user device, and further component segments of the substitute item of the alternate source are buffered in a computer memory facility, ~~an identity of the stored item being known by the customizer in advance of the stored item being included in the personalized playlist;~~

the ~~stored~~ substitute item being immediately played as part of the personalized playlist on the user device from the beginning point of the ~~stored~~ substitute item when an item from the base channel has been deleted;

the alternate source ~~comprises~~ comprising a hidden channel playlist incorporating a playlist of items in the style of the base channel, the hidden channel playlist is not available for use as a ~~top~~ base channel, and the hidden channel playlist ~~serves~~ serving a primary function ~~to provide~~ of providing items of content as components for use as substitutes in assembling personalized playlists derived from the base channel.

Claim 15. (currently amended) The playlist creation method of claim 14 wherein the substitute item has two distinct types of value, a value of creative content, and an opportunity value of time availability for use as a substitute item in the personalized playlist; and

a source providing ~~provider of the hidden channel~~ a substitute item ~~receives~~ receiving an opportunity value payment when the substitute item from

~~the hidden channel is used in the a personalized playlist derived from the base channel of a different source.~~

Claim 16. (currently amended) A method for creation of a personalized playlist of programming, the playlist comprising sequentially played items of content wherein:

a user selects a ~~streaming~~ broadcast ~~top base~~ channel that includes a playlist of content that may be played on a user device, the ~~top base~~ channel being provided by a ~~station source~~ that is operated independently of the user, the ~~top base~~ channel being available to identical and unchangeable for a plurality of users of a data system;

an alternate ~~streaming~~ broadcast source of content is available from which substitute items in a style of the base channel may be obtained to modify the playlist of the ~~top base~~ channel, the substitute items being used in the a personalized playlist derived from the base channel;

the sequence order of an item on the playlist of the base channel being identical to a sequence order of a same item or its substitute on the personalized playlist;

~~the personalized playlist comprises a combination of items from the top channel with the substitute items, a customizer operating with the user device to determine in near real time which substitute items are included in the~~

personalized playlist, the customizer operating independently of a user's immediate actions:

a beginning point of an item of the alternate source is stored in a computer memory facility resource immediately accessible by the user device, and further component segments of the item of the alternate source are buffered in a computer memory facility resource, an identity of the stored item being known by the customizer in advance of the stored item being included in the personalized playlist;

the stored item being played as part of the personalized playlist on the user device from the beginning point of the stored item.

Claim 17. (currently amended) The playlist creation method of claim 16 wherein the station operates as an affiliate of a cooperative network with other stations, and the affiliate stations share playlists resources in the course of assembling playlists for listeners of affiliate stations and a network operator oversees that cooperative stations are sharing playlists of similar value.

Claim 18. (currently amended) The playlist creation method of claim 16 wherein the customizer is guided by a combination of a user's deletions own preferences and a style of the station base channel when the customizer performs substitutions of items of content into the personalized playlist.

Claim 19. (currently amended) The playlist creation method of claim 16 wherein an identity of the ~~station~~ source providing a substitute item is displayed on the user device.

Claim 20. (currently amended) A method for navigating the programming of an audio program provider affiliated with a network of other providers in which the provider presents to a user a standardized method for searching, selecting and playing programming, the standardized method being specified by a network operator wherein:

the provider offers a ~~top~~ base channel accessible simultaneously by a plurality of users, wherein each user receives substantially a same playlist;

a user ~~reacts to~~ deletes undesired program items that are played on the ~~top~~ base channel, a cumulative history of a user's ~~reactions~~ deletions comprising a negative user preference;

the provider offers an ability to create a first side channel wherein an alternate personal playlist derived from the base channel is already prepared when the user ~~reacts in~~ deletes a first manner to a program item of the ~~top~~ base channel;

the first side channel includes programming that reflects a combination of a style of the provider of the selected ~~top~~ base channel, and the negative user preference, wherein the user creates a personal playlist of programming in near

real time ~~during the course of listening and reacting to a~~ by deleting items from  
the channel of the program provider.

~~the standardized method includes a multipurpose addressing system using  
telephone numbers, a telephone number serving at least two functions: a first  
function being to access a remote voice telephone device, and a second function  
being to access the programming of the program provider, the program provider  
thereby being identified by a multipurpose telephone number;~~

~~the user being able to use a device to select which of the two functions  
are served by the telephone number.~~

Claims 21 and 22 (canceled)

Claim 23. (new) The playlist creation method of claim 16 wherein a first playlist  
plays on the user device, the customizer creates a second, alternate playlist  
before an item of the first playlist begins, the second playlist begins immediately  
when the user deletes the item of the first playlist.

Claim 24. (new) The playlist creation method of claim 16 wherein the substitute  
items have two distinct types of value, a value of creative content and an  
opportunity value of time availability for use as a substitute item in the  
personalized playlist, and a provider of the alternate source receives an

opportunity value payment from the station when the item is used in the personalized playlist.

Claims 25. (new) The playlist creation method of claim 23 wherein the second alternate playlist is discarded when the user allows the item of the first playlist to play through, and the customizer creates a third alternate playlist.

Claim 26. (new) A method for creation of a personalized playlist of programming played on a user device, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein:

- a user selects a base channel that includes a playlist of content that may be played on a user device, the playlist of the base channel being immediately unchangeable by a user and identical for a plurality of users;

- alternate sources of content offer substitute items in a style of the base channel;

- the user deleting an item of content on the base channel;

- a customizer automatically causing the user device to play a substitute item from the alternate sources and creating a side channel comprising a modified base channel, the side channel including sequences of items identical to sequences of items of the base channel;

- the deleted item being absent from a playlist of the side channel, the substitute item being played instead of the deleted item, a further item being

not deleted from the base channel, and the further item being played on the side channel in a same sequence of the playlist as a the further item played on the base channel.

**Claim 27 (new)** A method for creation of a personalized playlist of programming played on a user device, the playlist comprising sequentially played identifiable items of content from available sources of program material wherein:

a user selects a base channel that includes a playlist of content that may be played on a user device, the playlist of the base channel being immediately unchangeable by a user and identical for a plurality of users wherein:

a user deleting an item of content from the base channel is automatically switched to a first side channel that incorporates a majority of items from the playlist of the base channel and substitute items in the style of the base channel;

the user further deleting an item of content from the first side channel being automatically switched to a second side channel that incorporates a majority of items from the playlist of the first side channel and substitute items in the style of the base channel.